

IMPLEMENTING GUIDELINES FOR MINORS TRAVELING ABROAD

DSWD ADMINISTRATIVE ORDER NO. 114, December 06, 1989

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Pursuant to Article 3 of the Child and Youth Welfare Code also known as Presidential Decree 603 stating that "Every child has the right to the care, assistance and protection of the State," and the Department of Social Welfare and Development as mandated through Executive Order No. 123, the following implementing guidelines for minors traveling abroad unaccompanied by parents are hereby promulgated to protect the welfare of the child and prevent child trafficking.

SECTION 1. Statement of Policy . — It is the policy of the State to provide protection to minors against exploitation, improper influence, abuse, hazards and other conditions prejudicial to his physical, mental, emotional, social, and moral development.

A child is one of the most important assets of the nation and every effort should be exerted to promote his welfare and provide opportunities for a better life.

SECTION 2. Definition of Terms. —

Minor is a person below 18 years of age unless emancipated by law.

Protection is an act of safeguarding the welfare of the child by intervening in order to prevent or stop further exploitation, improper influence, hazards, and other conditions prejudicial to his welfare.

Exploitation refers to the user of a minor with or without his consent for one's own advantage or profit.

Childtrafficking refers to carrying on trade or exchange of a child for monetary or any form of consideration.

Applicant is the father, mother, or legal guardian or the person with whom minor is traveling.

Sponsoring person is the one who takes care of the traveling and other expenses to support the child while minor is abroad.

SECTION 3. Procedures . — **1. Application for Certificate to Travel**

1.1. Who are required to apply?

All minors unaccompanied by biological parents or legal guardians or the person with whom minor is traveling jointly with the parents or legal guardians of the minor traveling outside of the Philippines are required to apply for a Certification to Travel at the Department through their parents/legal guardians or the person with whom minor is traveling.

1.2. Where to apply?

The application shall be filed at the DSWD Municipal or City District Office which has jurisdiction over the residence of the applicant.

2. How to Process/Processing Procedures?

2.1. The Supervising Social Welfare Officer (SSWO) of the municipal or city district shall explain the purpose and objectives of the issuance of Certificate to Travel to the applicant as follows:

2.1.1. To prevent child trafficking; and

2.1.2. To ensure that traveling companion is able to care for the minor, will be responsible for his welfare.

2.2. Further, the Supervising Social Welfare Officer (SSWO) shall discuss with the applicant the process as follows:

2.2.1. initial interview

2.2.2. assessment/evaluation

2.2.3. submission of requirements within a week from application

2.2.4. recommendation with enclosed requirements to be forwarded to the Secretary through the Philippine Intercountry Adoption Unit for decision.

2.3. If the applicant desires to pursue application after being informed of the purpose and procedures, the SSWO shall request applicant to accomplish form PS-CT 001

2.4. The SSWO shall review content of PS-CT 001 and the following information shall be validated or revoked from the applicant:

2.4.1. purpose of travel;

2.4.2. reason for bringing minor abroad;

2.4.3. reason(s) why parents cannot accompany minor;

2.4.4. relationship of minor with traveling companion;

2.4.5. degree of relationship already fostered with minor by traveling companion;

2.4.6. why was traveling companion chosen;

2.4.7. destinations with the complete addresses and telephone numbers;

2.4.8. length of stay abroad at each destination; expected date of return (when appropriate);

2.4.9. relationship of the minor and the traveling companion/with the sponsoring person, when appropriate;

2.4.10. how close is the relationship of the sponsoring person with the minor and the traveling companion, when appropriate.

2.5. If the SSWO finds presumptive basis for travel to be pursued, makes an appointment with applicant and conducts home-visits and two collateral interviews to validate information. An interview with the minor shall be made, when appropriate.

2.6. If the social worker finds, after her thorough evaluation, that she cannot recommend the minor's travel, she shall immediately discuss reasons with the applicant. She shall forward her report to the Provincial Social Welfare Officer; copy furnished the Secretary.

2.7. When the SSWO has a satisfactory evaluation during the home-visit she shall request the applicant to submit the following within maximum of two weeks and provide the accomplished checklist for reference of applicant.

2.7.1. General Requirements

- a. Birth Certificate of the minor (Certified Copy);
- b. Marriage Certificate of minor's parents, if appropriate;
- c. Affidavit of consent to travel by both parents or legal guardian;
- d. Affidavit of support of sponsoring party indicating employment and salary certified by employer;
- e. Consent of other spouse, in the absence of one spouse or if spouses are separated;
- f. Current income tax returns of sponsoring person and parents with official confirmation receipt;
- g. Evidence of current income or employment, bank certificates, bankbook;
- h. Passport and visa of traveling companion;
- i. Visa petition approval for immigrant child;
- j. School acceptance for student;
- k. Medical clearances of traveling companion and child;
- l. Power of attorney from parents/legal guardian for traveling companion to take care of child

2.7.2. Additional Requirements

a. If minor is adopted

- a.1. Certified copy of Adoption Decree and Entry of Judgment
- a.2. Copy of Home and Child Study Reports submitted in Court
- a.3. Amended Birth Certificate
- a.4. Copy of the Consent to Adoption/Decree of Abandonment/Decree of Voluntary Commitment by biological parents
- a.5. Clearance from the Office of the Solicitor General

b. If minor is under legal guardianship

- b.1. Certified Copy of Letter of Guardianship/Court Order
- b.2. Copy of Home and Child Study Reports Submitted in Court

2.8. The SSWO shall report using the prescribed format (PS-CT Form 001) for review of the Branch Incharge; forward final report to the Secretary with the Checklist of Requirements (PS-CT Form 002) and supporting documents. Leave one copy of the set for the file of the Branch Office.

2.9. The Philippine Intercountry Adoption Unit shall record the application in a logbook and issue an Applicant's Number which shall serve as record and reference for both parties. (PS-CT 003).

2.10. The Philippine Intercountry Adoption Unit shall review the report and supporting documents and prepare Certificate of Approved Travel when indicated for the approval/disapproval of the Secretary.

2.11. The Philippine Intercountry Adoption Unit shall within three days after receipt of the documents, inform the applicant, copy furnished the Provincial Social Welfare Officer of action taken. If travel is approved, Certificate of Approved Travel should be attached.

2.12. In case of adoption upon notice of approval, the applicant shall pay the Certification Fee through check or money order. The PIAU shall forward the certification to the applicant or this may be picked up in person.

SECTION 4. Implementation . —

1. The requirements and procedures shall be disseminated to the public by the PALS and the Regional Offices. The cooperation of the Department of Foreign Affairs shall be sought.
2. A flow chart shall be conspicuously displayed in the Regional, Provincial, Municipal Branch Offices and the Philippine Intercountry Adoption Unit for the information of the public.
3. The applicants referred directly to the PIAU shall be attended to but the Unit shall duly refer them to the Municipal Branch Office concerned.
4. A quarterly report using the prescribed format, PS-CT Form 004 shall be submitted by the SSWO to the Office of the Secretary through the Philippine Intercountry Adoption, copy furnished the PSWO and Regional Director.
5. Only the Secretary and in her absence, her duly authorized representative, is authorized to sign Certificates of Approved Travel.

For strict compliance.

Adopted: 6 Dec. 1989

(SGD.) MITA PARDO DE TAVERA, M.D.
Secretary

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